LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

(ISSN: 2583-7753)

Volume 2 | Issue 1

2024

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THE ROLE OF JUDICIARY IN UPHOLDING FEDERALISM AND RESOLVING CONFLICTS BETWEEN CENTRE AND STATE IN INDIA: A COMPREHENSIVE ANALYSIS

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I. ABSTRACT

This paper takes a deep look into the key role of the judiciary in supporting federalism and dealing with conflicts between the central and state governments. Before discussing judicial responsibilities, it first addresses historical antecedents and theoretical basis of federalism. Lastly, it considers firm judicial decisions that address legal challenges surrounding federal structures while conflicting amongst themselves. This research paper examines how India's Supreme Court resolves issues between National and State Governments on basis of different constitutional interpretations; this is achieved through employing varied doctrines. Also, it goes into the application by the Supreme Court of its Judicial Review Power and Judicial Activism to deal with these disputes. In conclusion, this paper suggests some future thrusts for judiciary institutions to uphold federal principles by maintaining equilibrium between power centres in India i.e., Centre and states. Summing up, this holistic study underscores how much input courts provide in preserving public ties among different levels of Governance including central as well as local authorities using a comprehensive approach towards settlement of disputes.

II. KEYWORDS

Federalism, Judiciary, Judicial Review, Centre-State Relations, Constitution, Judicial Activism.

III. INTRODUCTION

A unique blend of centralized and decentralized powers is India's federal system, also known as "centralized federalism," that has been in place since India gained its independence from Britain in 1947. It is important to note that this system allows for

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effective governance and development in a diverse country such as India[3]. The Indian Constitution establishes power sharing between the central government and the states[4]. The Indian constitution is federal in nature and establishes a system whereby power is distributed between the central government and those of the states. Inevitably, conflicts between different levels of authority have challenged this federal setup[5].

This paper, however, examines how India's judiciary has played significant roles of protecting the separation of powers within its federal structure. It will examine how judiciary plays multiple roles in protecting federalism and resolving issues arising out of conflicts within Indian federation. The topmost position of the Indian judicial system is occupied by Supreme Court followed by high courts at state levels, lower courts and district courts at the bottom. The judiciary can interpret the constitution on matters relating to devolution of powers thus making it possible to resolve disputes between central government and individual states[6].

IV. CONSTITUTIONAL PROVISIONS REGARDING DISTRIBUTION OF POWERS BETWEEN THE CENTRE AND STATES

The Indian Constitution includes various parts that outline the separation of legislative powers between the federal and the states. The Constitution allocates the legislative authority of the States to the Union and vice versa to improve government efficiency. The allocation in the Constitution of India was based on the Government of India Act, 1935.

Legislative authority is distributed in accordance with the Constitution of India via the Union List, the State List, and the Concurrent List. The Union List consists of matters of national importance that fall under the exclusive jurisdiction of the

[3] "Indian Federalism @75: The Foundation of a Strong Democracy" (*orfonline.org*).
[4] Pylee, M. V., Constitutional Government in India, S. Chand Publishing (2017).
[5] Kashyap, S. C., Our Constitution: An Introduction to India's Constitution and Constitutional Law. National Book Trust (2020).
[6] "Judiciary Has Important Role In A Federal Country | Physics Wallah" (*Physics Wallah*, December 31, 1969), https://www.pw.live/chapter-federalism/role-of-judiciary-in-a-federal-country (last visited 16 March 2024).

Parliament of India in terms of legislative authority. The State List consists of subjects that are of significance at the local or state level and are within the jurisdiction of the state legislature to regulate legislatively. The Concurrent List consists of matters that are subject to simultaneous legislation by both the Union Parliament and State legislatures[7].

Furthermore, in the Indian Constitution, the legislative relations between the Union and the States are outlined in Articles 245 to 255[8]. These articles establish the jurisdictional boundaries of authority, guaranteeing the enforceability of laws enacted by state legislatures or Parliament within their respective states. The doctrine of territorial nexus plays an important part in establishing whether governmental powers lie with either the union or individual states, emphasizing a close relationship between subject matter and territory over which law relates[9]. Lastly, constitutional provisions relating to India's federal structure are intended to create a balance of power so as to enable good governance and meet the diverse needs of different regions within India.

V. ROLE OF THE JUDICIARY IN RESOLVING CONFLICTS BETWEEN CENTRE AND STATE IN INDIA

The third branch in interpreting the Constitution is the judiciary. The judiciary is tasked with maintaining the rule of law, safeguarding citizens' rights, and guaranteeing the effective functioning of the legal system. More specifically, the Supreme Court of India has multiple mechanisms of enforcing and safeguarding interpretation on the Constitution.

A. INTERPRETATION OF CONSTITUTIONAL PROVISIONS

The judiciary has to ensure what the laws and the Constitution say and to ensure that the Constitution should operate justly and equally. Judicial interpretation is a vital instrument that enables clarification of the legal basis, dispute resolution, and

[7] Aishwarya Agrawal, "Distribution of Legislative Powers" (*LawBhoomi*, June 19, 2023).
[8] Sharma, B. M., Judicial Review and Centre-State Relations in India. Oxford University Press (2021).
[9] Ibid.

commitment to the principles of the Constitution. To attain that court has introduced several doctrines which are:

- **Doctrine of Pith and Substance**

In constitutional law, the Doctrine of Pith and Substance is a legal principle. In situations where legislation may encroach upon a subject matter within the jurisdiction of another legislative body, to ascertain the legislation's true nature and intent. Indigenous to India's legal system and shaped by Canadian constitutional law, pith and substance is a doctrine that helps settle disputes over legislative powers shared by the Centre and States. It was first applied in 1880 during Cushing v. Dupuy[10] when Canada adopted it from England. Article 246 provides for it within our Constitution alongside Seventh Schedule which delimits exclusive jurisdictions of both levels of governments.

When any legislature interferes with another's law-making capacity, pith-and-substance test comes into play. This principle simply affirms that legislation should not be declared ultra vires only on the ground that some parts thereof are outside competence if whole scheme falls under an Assembly's authority. 'Pith' means core idea or essence while 'substance' refers to true nature; hence this phrase reflects whether an infringement complained about is merely incidental or substantial.

This means that sometimes, there can be situations where a legislation passed by one government level incidentally touches on a matter within the mandate of another. The courts must apply the Doctrine of Pith and Substance in this instance in order to ascertain the true intent of statutes[11].

According to the many judgements[12], if the impugned legislation's true nature and purpose primarily falls within the jurisdiction of the enacting body, even if it incidentally affects a subject matter falling under the jurisdiction of another body, it will be deemed valid. Simply put, what matters is whether or not court discovers any

[10] Cushing v. Dupuy, (1880) 5 AC 409.
[11] Premchand Jain v. R.K Chhabra, 1984 2 SCR 883.
[12] Such as Calcutta Gas Company v. State of West Bengal, AIR 1962 SC 1044, India Cement Ltd v. State of Tamil Nadu, AIR 1990 SC 85, and Jilubhai Nanbhai Khachar v. State of Gujarat, AIR 1995 SC 142.

possibility that this is for example an incidental result or some minor part which follows from other parts of acts having different main object.

- **Doctrine of Colourable Legislation**

This principle in law called colourable legislation is intended to prevent governments from making excessive and unconstitutional use of their legislative powers. This doctrine of law was derived from the maxim which states that what cannot be done directly should also not be done indirectly.

A legislature may not have the authority to make laws on a given subject but still attempts to do so using other means; this is where the doctrine comes into play. Courts employ it to determine whether or not a statute's true nature or character has been misrepresented, and if such misrepresentation amounts to overstepping constitutional boundaries by the lawmakers concerned. Although not expressly stated in any part of Indian Constitution, judiciary has applied this rule through numerous landmark decisions with an aim of safeguarding federalism within India. Its basis can be found on Article 246 which outlines parliament's powers vis-à-vis those of state assemblies under our supreme legal document[13]. In several decisions[14] the court has put certain standards as to whether or not any given Act amounts to colourable law. It must also assess the aim and impact of such legislation. If the legislative plan is followed, all legislation comprising that design will be interpreted together and their overall impact evaluated by law courts.

- **Doctrine of Repugnancy**

The Doctrine of Repugnancy comes into play when the laws enacted from time to time by the Central and the State governments, if provisions provided under the List III, clash. Article 254(1) of the Indian Constitution provides that whenever there is a repugnancy, State law shall supersede central legislation; the former shall be

[13] Free Law, "Free Law" (Free Law: Get Free Headnotes & Judgments, June 16, 2023), https://www.freelaw.in/legalarticles/An-Overview-of-Doctrine-of-Colourable-Legislation (last visited 16 March 2024).
[14] For instance, K.C Gajapati Narayan Deo vs. State of Orissa, (1953) AIR 375, R.S Joshi v. Ajit Mills, (1977) AIR 2279 etc.

inherently null and void[15]. As a result, The Doctrine of Repugnancy is indispensable for ensuring that the legislative assembly of a state and the legislature of a parliament enact laws in accordance with consensus[16].

The Supreme Court judgment about the Doctrine of Repugnancy carries the point that different levels of government should enact laws consistently to observe federalism and legislative supremacy principles[17].

Related Case Laws:

1. **M. Karunanidhi v. Union of India (1979):** In this particular case, the Supreme Court summarized the test for repugnancy which states that where there is a full inconsistency between provisions of a Central Act and a State Act in the Concurrent List, it is the Central Act that prevails rendering the State Act void because of repugnancy. But if any state law comes into contact with an entry on the concurrent list legislated by Parliament, then such state act shall prevail to an extent repugnant thereto and central act would be invalid[18].
2. **In the 2004 case of Bharat Hydro Power Corporation Ltd. v. State of Assam**, the court noted that in order for the Doctrine of Repugnancy to be applicable, there must be a clear and direct contradiction between laws of the Central and State levels. Such inconsistency is not present when two statutes operate in distinct domains without infringing upon one another[19].
3. **Deep Chand v. State of U.P. (1959):** In this case, the central law was held superior to the state law because both laws occurred in the same field and were contradictory to each other thereby establishing that such conflicts make it

[15] Amita Sinwar, "Repugnancy" (*Scribd*), https://www.scribd.com/presentation/424974613/Repugnancy (last visited 16 March 2024).
[16] SR Manjula, "The Doctrine of Repugnancy the Constitutional Governance and Judicial Interpretation with Reference to Farm Laws in India", https://ir.nbu.ac.in/bitstream/123456789/4989/1/06_Doctrine%20of%20Repugnancy%20the%20Constitutional.pdf (last visited 16 March 2024).
[17] Syed Asima Refayi, "Constitutional Law I Unit III" https://law.uok.edu.in/Files/5ce6c765-c013-446c-b6ac-b9de496f8751/Custom/Constitutional_Law_I_____pith_and_substance_____Unit_III.pdf (last visited 16 March 2024).
[18] M. Karunanidhi v. Union of India, AIR 898 SC 1979.
[19] Bharat Hydro Power Corporation Ltd. v. State of Assam, AIR 2004 SC 3173.

imperative to address them using a coherent approach through various levels of government[20].

These cases demonstrate how the Indian judiciary has applied the doctrine of repugnancy with respect to resolving conflicts between parliamentary acts and statutes passed by state legislatures thereby ensuring that there is uniformity and consistency on constitutional principles.

- **Rule Of Harmonious Construction**

Rule of harmonious construction is a principle that the judiciary applies in order to interpret statutes or legal provisions without causing conflicts but rather ensuring uniformity in law. The court uses this rule when there are potential conflicts or ambiguities in the Seventh Schedule, so as to make differing provisions cohere and to give legislative intention effect behind the devolution of powers. This interpretation by courts seeks to balance federalism, cooperative federalism and avoid inconsistencies arising from conflicting interpretations of the Schedule[21].

Related Case Laws:

1. **Shankari Prasad v. Union of India (1951):** This landmark case involved resolving a conflict between Fundamental Rights and DPSPs using Rule of Harmonious Construction thereby holding that both sets should be reconciled for public good[22].
2. **Commissioner of Income Tax v. Hindustan Bulk Carrier (2003):** The court provided guidelines for application of the doctrine of Harmonious Construction; it stated that statutory provisions must be interpreted in such a manner as to give effect to all their parts without rendering any part thereof redundant or otiose[23].

[20] Deep Chand v. State of U.P., AIR 1959 SC 648.
[21] Vinod Dixit and others, "*JOURNAL OF THE DELHI JUDICIAL ACADEMY*" [2013] JOURNAL OF THE DELHI JUDICIAL ACADEMY 1, https://judicialacademy.nic.in/sites/default/files/2016.pdf (last visited 16 March 2024).
[22] Shankari Prasad v. Union of India, MANU/SC/0013/1951.
[23] Commissioner of Income Tax v. Hindustan Bulk Carrier, AIR 2002 SC 3491.

3. **M.S.M. Sharma v. Krishna Sinha (1959):** This case is an example where the rule of harmonious construction came into play, in order to resolve a clash between Article 19(1)(a) and Article 194(3) of the Constitution so that both are given effect without invalidating one or another[24].

- **Doctrine of Incidental or Ancillary Powers**

Legislatures can pass laws necessary to accomplish the major legislative subjects allocated to them by the Seventh Schedule in terms of Doctrine of Incidental or Ancillary Powers. In their primary legislative powers, this doctrine allows legislatures to make certain when they are incidental or ancillary, they govern effectively and implement their laws within their jurisdiction. The Judiciary's interpretation of this doctrine is involved in determining the breadth and limits of any such incidental or ancillary powers that may be granted to legislatures under the Seventh Schedule, so as to ensure compliance with constitutional bounds and legitimate exercises thereof[25]. In essence, Doctrine of Incidental or Ancillary Powers really helps legislatures in enacting laws that are essential for effective implementation of subjects allocated under Seventh Schedule, while overseeing these powers' scope by interpreting them for constitutionality reasons and good governance.

Related Case Laws:

1. **United Provinces v. Atiqa Begum & Others (1941):** It was determined that when a legislation touches upon any of these subjects that are incidental or ancillary to the main matters, it has the authority to enact laws on those matters that are essential for carrying out the intent of the law. This established the groundwork for legal doctrine in the Indian system concerning powers that are incidental or ancillary to the subject matter[26].
2. **Subrahmanyan Chettiar v. Muttuswami Goundan (1940):** In this case, provisions were construed in accordance with the Canadian doctrine of legality

[24] M.S.M. Sharma v. Krishna Sinha, 1959 AIR 395.
[25] "Supreme Court Advocates-On-Record Association And Others v. Union Of India ., Supreme Court Of India, Judgment, Law, Casemine.Com", *https://www.casemine.com* (last visited 16 March 2024).
[26] United Provinces v Atiqa Begum & Others, AIR 1941 FC 16.

permitting incidental encroachment, which emphasizes the expansion of legislative authority to include ancillary functions essential for efficient governance[27].

3. **Ujagar Prints v. Union of India (1988):** It held that legislative entries give only fields and not powers and if an Act has substantial relationship with an entry, it may be considered as a law on that topic so as to enlarge such a field into ancillaries[28].

VI. JUDICIAL REVIEW

The role played by the judiciary in judicial review of the Seventh Schedule is essential for upholding constitutional principles, ensuring legislative competence, and achieving an effective government that strikes a balance between various tiers.

- **Constitution Amendments:** This has been done by the Judiciary whereby it has reviewed Constitutional amendments touching on the Seventh Schedule so as not to violate basic structure of the constitution[29].
- **Remaining Powers:** Judicial review has also been applied to cases pertaining to remaining powers conferred upon Parliament under this schedule aimed at ensuring that these powers are exercised within constitutional boundaries.
- **Centre-State Relations:** The Supreme Court through judicial review has immensely contributed in defining and maintaining a delicate balance in Centre-State relations vis-à-vis legislative powers provided by the Seventh Schedule[30].
- **Legislative Competence:** In examining whether parliament has exceeded its authority or not, the judiciary's focus is mainly on whether laws made under

[27] Subramanyan Chettiar v. Muttuswami Goundan, AIR 1941 FC 47.
[28] Ujagar Prints v. Union of India, (1989) 3 SCC 488.
[29] Testbook, "Golaknath Case - History, Summary, Arguments & Judgement | UPSC" (*Testbook*, January 18, 2024).
[30] Team ProBono India and ProBono India, "Compilation Of Selected Cases On Article 142" (Kalpeshkumar L Gupta and Foram Patel eds, ProBono India 2022), https://www.probono-india.in/Indian-Society/Paper/825_Case%20Compilation%20on%20Article%20142.pdf (last visited 16 March 2024).

different lists in Seventh Schedule fall within their respective legislative competence or go beyond them[31].

- **Overcoming conflict:** Judicial review has resolved clashes between laws issued by the Central Government and States legislatures under various lists of the Seventh Schedule, thus ensuring conformity with the Constitution[32].
- **Making Public Goods Provision more effective:** Judicial review uses the interpretation of the Seventh Schedule to optimize public goods provision by determining whether there should be governmental intervention, at Union and State levels or otherwise leading to effective governance.

Some examples of cases where Judicial Review was applied in the Indian Constitution concerning the Seventh Schedule include:

1. **Sajjan Singh v. State of Rajasthan (1965):** The Constitutionality of the Constitution (Seventeenth Amendment) Act of 1964 was challenged, thereby illustrating how Judicial Review is used in interpreting constitutional provisions relating to matters in schedule seven[33].
2. **Golaknath and Ors. v. State of Punjab and Anr. (1967):** Here, three constitutional amendments were challenged, which the Court contradicted its previous decisions on, underlining the significance of Judicial Review in examining the changes relating to Seventh Schedule[34].
3. **Kesavananda Bharati v. State of Kerala (1973):** In this case the decision given by court threw out amendment done under Art. 368 thereby bringing out how Judicial Review protects basic features of constitution such as things contained in Seventh Schedule[35].
4. **Minerva Mills v. Union of India (1976):** The judiciary's use of Judicial Review was shown in a challenge against the insertion of clauses in Art 368

[31] B Sudershan Reddy, "Reportable in the Supreme Court of India Civil Appellate jurisdiction civil appeal no. 7796 of 1997", https://main.sci.gov.in/jonew/judis/37684.pdf (last visited 16 March 2024).
[32] Supra note 30.
[33] Sajjan Singh vs State of Rajasthan, AIR 1965 SC 845.
[34] Golaknath and Ors. v. State of Punjab and Anr., 1967 AIR 1643.
[35] Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461.

through 42nd amendment that affected basic structure including provisions within the Seventh Schedule[36].

5. **I.R Coelho (Dead) By Lrs v State Of Tamil Nadu & Ors:** This case stressed that statutes could be changed if they abrogate core element of fundamental law, thus demonstrating how judicial system prevent any descent to those fallacious terms embraced by Seventh Schedule[37].

VII. JUDICIAL ACTIVISM

Judicial activism allows the judiciary to proactively protect citizens' rights beyond strict legal interpretations by reviewing executive and legislative actions for constitutionality. The judiciary has a significant role in interpreting the unenumerated rights and protecting them using judicial review power which goes a long way in safeguarding individual liberties and ensuring that governmental actions are consistent with constitutional principles[38].

- **Towards Expansion of Judicial Review:** By inserting legislation into the Ninth Schedule, Judicial Activism has expanded judicial review powers that guarantee laws do not violate fundamental rights or basic structure of Constitution.
- **Curbing Majoritarianism:** The proactive stance of judiciary checks majoritarian tendencies by putting laws from the Ninth Schedule under judicial scrutiny thereby checking the abuse power could be exerted by legislature[39].
- **Protection of Fundamental Rights:** In order to protect fundamental rights, Judicial Activism ensures that legislative action does not infringe upon the rights guaranteed by the Constitution.

[36] Minerva Mills v. Union of India, AIR 1980 SC 1789.
[37] I.R. Coelho (Dead) By Lrs v. State of Tamil Nadu & Ors, (1999) 7 SCC 580.
[38] NITIN KUMAR, "LEGISLATIVE RELATIONS" (University of Lucknow, 2021) journal-article, https://udrc.lkouniv.ac.in/Content/DepartmentContent/SM_a1c726d6-c938-4ddc-9f91-f16ed69658b6_30.pdf (last visited 16 March 2024).
[39] Anand, A. S. "JUDICIAL REVIEW - JUDICIAL ACTIVISM - NEED FOR CAUTION." *Journal of the Indian Law Institute*, vol. 42, no. 2/4, 2000, pp. 149–59. *JSTOR*, http://www.jstor.org/stable/43953808 (last visited 16 March 2024).

- **Balancing Constitutional Principles:** The judiciary's activism plays a crucial role in balancing constitutional principles such as federalism, separation of powers and individual rights while interpreting provisions within the Seventh Schedule[40].
- **Setting Precedents:** Decisions like the I.R.Coelho have set precedents for judicial activism especially when there are conflicts between specific provisions and constitutional principles[41].
- **Ensuring accountability:** Through Judicial Activism, the judiciary ensures accountability of legislative actions by interpreting and applying provisions within the Seventh Schedule so as to safeguard democratic values and constitutional principles thus upholding the integrity of the Constitution[42].

In summary, Judicial Activism in interpreting the Seventh Schedule is a proactive approach taken by judiciary towards upholding constitutional values, protecting fundamental rights and fostering delicate equilibrium amid legislative actions on one hand and on other hand constitutional principles.

Some instances that showed Judicial Activism in the Indian Constitution regarding the Seventh Schedule are:

1. **Kesavananda Bharati v. State of Kerala (1973):** This proceeding was concerned with the extent of amending power under Article 368 of the Constitution and introduced the theory of "basic structure" which stated that Parliament could amend the Constitution but not alter its basic structure[43].
2. **Golaknath v. State of Punjab (1971):** In this case, the Supreme Court dealt with constitutional validity of 17th Amendment to the Constitution and then

[40] "A CRITICAL ANALYSIS ON THE GROWTH OF JUDICIAL ACTIVISM IN INDIA" (*Iuris Jura*, February 27, 2023), https://www.iurisjura.com/post/a-critical-analysis-on-the-growth-of-judicial-activism-in-india (last visited 16 March 2024).
[41] Anand, A. S. "JUDICIAL REVIEW - JUDICIAL ACTIVISM - NEED FOR CAUTION." *Journal of the Indian Law Institute*, vol. 42, no. 2/4, 2000, pp. 149–59. *JSTOR*, http://www.jstor.org/stable/43953808 (last visited 17 March 2024).
[42] "Supreme Court Advocates-On-Record Association And Others v. Union Of India, (*https://www.casemine.com*), https://www.casemine.com/judgement/in/5609ac8ee4b014971140f213 (last visited 16 March 2024).
[43] Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1461.

brought in the doctrine of "prospective overruling" stating that Parliament did not have power to amend certain provisions[44].

3. **R C Cooper v. Union of India (1970):** This case challenged legislative competence of Parliament to enact Banking Companies (Acquisition and Transfer Undertaking) Act otherwise known as Bank Nationalization Act and court struck down Act on account of its unreasonableness[45].
4. **V C Shukla v. Delhi Admin (1980):** This case examined whether it was within legislative competence of state to establish special courts for high public office offenses by holding that "basic structure" theory applied only to constitutional laws as opposed to ordinary laws[46].

VIII. IMPACT OF THE JUDICIARY'S DECISIONS ON THE FEDERAL STRUCTURE AND THE BALANCE OF POWER BETWEEN THE CENTRE AND THE STATES:

In India, the federal structure and Centre-State balance of power are greatly affected by verdicts made in the judiciary. The constitution is interpreted, and laws reviewed by courts so as to keep both the Centre and States at par thus preventing them from dominating each other unilaterally. For illustration, during the case of Bommai v. Union of India[47], it was ruled that imposition of President's Rule in Karnataka by the central government was unconstitutional because they had taken into account wrong things while making their decision. This ruling helped in preserving equilibrium between different levels of governments; therefore, ensuring that no level can impose its will on another. The Indian Judiciary not only safeguards our nation but also ensures fair play among all parties involved regardless of whether they are individuals or organizations acting independently or collectively within such a broad democratic framework like ours:

- **Upholding the Federal Structure**

[44] Golaknath and Ors. v. State of Punjab and Anr., 1967 AIR 1643.
[45] R C. Cooper v. Union of India, (1970) AIR 564.
[46] VC Shukla v. Delhi Admin., 1980 AIR 962.
[47] S. R. Bommai v. Union of India, (1994) AIR 1918.

The Indian judiciary has been instrumental in maintaining the federal structure provided for in the Constitution of India, particularly through the Supreme Court. The courts have used their powers of judicial review to declare null and void any law made by centre or state that violates each other's constitutional spheres[48]. In this way they have preserved a separation between national and regional governments.

- **Arbiter of Centre-State Disputes**

Whenever there is a legal conflict between different levels of government, whether it is among States themselves or between State(s) and Union Territories; the judiciary steps up as an independent referee. Through such adjudications, equality among these governments has been ensured hence preventing domination by one level over another.

- **Checking Centralization of Powers**

Attempts by Central government to encroach on states' rights beyond reasonable limits have also been checked by court intervention. For example, certain legislations granting overriding authority to union in some matters were declared unconstitutional by Supreme Court[49]. This decision has helped in safeguarding self-rule at local levels within Indian federation system.

- **Upholding State's Legislative Powers**

The exclusive legislative powers of the States within their respective territories as provided for in the State List have been recognized by the courts, hence no intrusion into the domain of any State by the Centre should be allowed[50]. This has further entrenched a federal allocation of legislative powers.

- **Interpreting Centre-State Relations**

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[48] Eric A Posner, "*Balance-of-Powers Arguments, the Structural Constitution, and the Problem of Executive 'Underenforcement"*, vol 164 (2016), https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=12552&context=journal_articles (last visited 16 March 2024).

[49] "Judicial Review" (*Drishti IAS*), https://www.drishtiias.com/daily-news-analysis/judicial-review-1 (last visited 16 March 2024).

[50] *Indian Constitution at Work*, https://ncert.nic.in/textbook/pdf/keps206.pdf (last visited 16 March 2024).

In its interpretation of constitutional provisions that regulate relations between different tiers of government in India, the judiciary has contributed to shaping what could be called an increasingly federal system. Through these pronouncements, it became clear where Union jurisdiction ended vis-a-vis States' rights and what each level's authority covered[51].

In conclusion, the judgements made by judges not only affected how federations operate but also changed things between India's central government vis-à-vis state governments. By Interpreting constitutionality and reviewing laws, they have ensured that neither side can overpower another without following due process.

IX. LANDMARK CASES SHAPING INDIAN FEDERAL JURISPRUDENCE

India's federalism has been greatly influenced by landmark judicial decisions like:

- **State of West Bengal v. Union of India (1963):** In this case, the legislative competence of Parliament was challenged by the State of West Bengal in respect to compulsory acquisition of lands and properties under the Coal Bearing Areas (Acquisition and Development) Act, 1957, which led to a clash on sovereignty and validity of provisions of this Act. This particular instance marked the inception of the "federal balance" doctrine. The Supreme Court ruled that despite the fact that legislative and executive authority are divided between the Centre and the States, both can enact legislation on concurrent subjects so long as it does not contradict the other. This case contributed to the formation of an environment that was more favourable for cooperative federalism[52].
- **In re Kerala Education Bill (1958):** The Kerala Education Bill 1957 was enacted by the Kerala Legislative Assembly for better organization and development of

[51] Eric A Posner, *"Balance-of-Powers Arguments, the Structural Constitution, and the Problem of Executive 'Underenforcement"*, vol 164 (2016), https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=12552&context=journal_articles (last visited 16 March 2024).
[52] State of West Bengal v. Union of India, AIR 1963 SC 1241.

educational institutions in the state. The bill was assailed as violative of minority rights enshrined under Article 30(1) and also fundamental rights guaranteed to Anglo-Indian educational institutions recognized by Article 337. In a major judgement, this brought in the concept of Central "coercive legislation" in times of emergency or to ensure uniformity regarding matters having national importance, even on subjects mentioned in State List. This decision acknowledged the role played by the Centre to ensure unity, integrity and security[53].

- **S.R. Bommai v. Union of India (1994):** This case questioned imposition President's Rule under Article 356 Indian Constitution that allows central government to dismiss state governments. The Supreme Court gave its historic judgement in this case with view to check abuse/misuse of article 356 and strengthen federalism in India. According to court, president proclamation u/a 356 is not absolute but amenable/ subject to judicial review. Through this verdict it laid down elaborate conditions for imposing President's Rule under Article 356 of the Constitution thereby protecting states from arbitrary intervention by central government. This pronouncement fortified autonomous statehoods and forestalled abuse of central authority[54].

X. CRITICISMS OF FEDERAL DISTRIBUTION OF POWERS UNDER CONSTITUTION

1. **Lack of clarity in the division of powers:** The Seventh Schedule in the Indian Constitution that allocates powers between the Centre and states has been found to be unclear and vague. The three lists – Union, State and Concurrent – being distributed in such a way as to overlap with one another have created room for different interpretations thereby giving rise to frequent disagreements over legislative competence between central government and provincial governments; hence courts have had to step in on many occasions thereby leading to a piecemeal approach towards figuring out boundaries of

[53] In Re The Kerala Education Bill, AIR 1958 SC 996.
[54] S.R. Bommai v. Union of India, 1994 SCC (3).

jurisdiction rather than establishing clear cut demarcations[55]. There are not any clear divisions between the Centre and states which sometimes causes conflicts on jurisdiction. For example, during COVID-19, the Central invoked Disaster Management Act, 2005, which is highly centralized in nature, leaving no room for maneuvering by states based on their local conditions.

2. **Lack of consensus in amending the schedule:** What has come under fire is the process of amending this Schedule itself which critics say heavily favors Centre. For instance, according to constitution any amendment can be passed with simple majority votes at both houses of parliament without ratification from any state(s) required. This means that it becomes so easy for central authorities alone or their agents to stretch their legislative powers wider than necessary thus undermining federalism[56]. The Seventh Schedule delineates powers through three lengthy lists; however, amendments to this schedule necessitate a special majority in Parliament and ratification by half of the State Legislatures by simple majority. The procedure is laborious and may not consistently align with current demands and necessities.
3. **Evolution of the schedule:** Another problem with this seventh schedule is its failure to keep abreast with socio-economic changes within our polity even though we are aware that political structures evolve over time. In other words, having been borrowed largely from Government of India Act 1935, framework for distributing responsibilities among various levels of governance has not proved capable enough when confronted by new realities associated with governance in contemporary society. As a result, it remains inflexible thus hindering its usefulness as an instrumentality for managing relations between different parts making up federation whose conditions may vary widely from

[55] Christoph Möllers, "Problems of Separated Powers in the Constitutional State" (Oxford University Press eBooks, March 14, 2013), https://doi.org/10.1093/acprof:oso/9780199602117.003.0004 (last visited 16 March 2024).
[56] Chandio AS, Tunio FH and Korai AG, "Federalism in South Asia: A Constitutional Analysis of India and Pakistan" (2024) 11 Cogent Arts & Humanities, https://doi.org/10.1080/23311983.2023.2299536 (last visited 16 March 2024).

each other throughout history.[57] Governance must change over time because of changing needs or requirements. The present structure should be re-examined in line with today's needs and demands as it has never been properly reviewed from a global perspective. For instance, NIA Act took away power of the state to investigate anything which is regarded as a scheduled offence under it but was within the domain of states.

4. **Residuary powers:** The distribution of residuary powers to the Centre under Article 248 of the Constitution is a controversial matter. This provision empowers the Centre to extend its legislative jurisdiction beyond what may be regarded as encroaching on the autonomy of states[58]. There is no clear-cut principle for determining who should exercise control over such powers, thereby resulting in continuous conflicts between these two levels. However, there is no indication that these residuary powers amount to an infinite legislative domain for the Union despite being granted them by the Constitution. Therefore, such issues have raised concerns regarding residuary powers that need to be addressed in respect to Seventh Schedule.

5. **Centre-state relations:** Various commissions have dealt with this issue in response to state demands by creating several committees who could review, assess and evaluate existing arrangement between Centre and States respectively. Yet these commissions have not recommended any major structural changes and practical experience may make us think about whether it is appropriate to allocate certain legislative powers or not[59]. The interpretation of this schedule by the Indian judiciary, however, has been criticized on several grounds including lack of clarity in the division of powers; difficulty in amending the schedule; necessitation to evolve the schedule;

[57] ClearIAS Team, "Indian Federalism - 15 Issues That Challenge the Federal Structure of India - Clear IAS" (ClearIAS, March 11, 2024), https://www.clearias.com/indian-federalism-issues-challenges/ (last visited 16 March 2024).
[58] Ibid.
[59] "The Paradox of 'Centralised Federalism': An Analysis of the Challenges to India's Federal Design" (orfonline.org), https://www.orfonline.org/research/the-paradox-of-centralised-federalism-an-analysis-of-the-challenges-to-in dia-s-federal-design (last visited 16 March 2024).

concerns on residuary powers and need to reconsider allocation of legislative powers.

XI. CHALLENGES AND A DIRECTION FORWARD

To ensure that the federal system operates properly, the Indian judiciary's interpretation of the seventh schedule of the Indian Constitution has met with several challenges and requires a way forward.

1. **Evolution of the Seventh Schedule:** The seventh schedule has been criticized for its failure to keep pace with changing socio-economic and political realities in the country. The requirements for governance have been in constant motion since time immemorial. The Seventh Schedule is constructed according to three lists fixed by the Constitution which has never received a comprehensive review. Because of its inflexibility, it cannot be adjusted to meet new needs of the federation. Therefore, there should be periodic reviews and amendments of this document so that it can still remain relevant when faced with emerging challenges.
2. **Residuary Powers:** Another issue is on the allocation of residuary powers which are given exclusively unto the central government by virtue of article two hundred and forty-eight under constitution. However, this provision has always been seen as a tool used by centre towards expanding its legislative arena at times when such moves have been seen as encroaching into regions autonomy more than necessary. In light therefore there needs to be set down more definite criteria that determines who holds what power between these two levels i.e., state vs centre. Although the Parliament holds residuary powers, these cannot imply an unlimited legislative area for the Union. We may reconsider certain legislative powers allocated at particular times as we gain practical experience with federalism.
3. **Centre-State Relations:** Critics have often said that the federal structure of India leans heavily towards the Centre, thereby leaving the states feeling slighted and stripped off their due powers and resources. Federalism is

undermined when such acts as Article 356 (the President's Rule) are used by the central government to interfere with state affairs or when finance from the federal government becomes the lifeblood upon which state viability depends. To overcome this problem, it is important that state autonomy be reinforced along with financial independence. In response to state demands, commissions have been established by the Centre to review current arrangements between it and states. However, none of these commissions recommended any major structural overhaul.

4. **Federal Distribution of Powers:** This lack of clarity about distribution between national government and those at grassroots level has often led them into conflict hence requiring intervention from courts but due to imprecision contained within seventh schedule which outlines division lists out authorities for each government. The sharing formula should be revised so as to avoid unnecessary overlap or ambiguity while also clearly defining areas jurisdiction these governments should focus on thereby minimizing chances where they might clash over same functions. In accordance with its federal design, the Indian Constitution allocates legislative, executive, and financial authority to both the central government and the states. The Judiciary: The Constitution establishes an integrated judicial system to enforce both central and state laws, with no division of judicial authority.

5. **Challenges in the Indian Judiciary:** The Indian judiciary has been instrumental in interpreting our Constitution as well as upholding federal principles in many cases brought before it; however, critics argue that this piecemeal approach does not give an overall understanding neither does it provide uniformity while settling disputes between centre & states which is why some people suggest we need a stronger Judiciary system for dealing with such issues should they arise again so that there can be one consistent framework followed all through out every case where centre state relations were involved. Currently, there are numerous problems facing Indian

Judiciary which are affecting its legitimacy such as backlogs of cases; innovativeness needed and gender justice for higher judiciary.

6. **Concurrent Powers:** The Concurrent List has been a cause for strife because it lets both the Centre and the states pass laws on specified subjects. The fact that there are no clear rules about how to exercise these powers means that very often state legislation is set aside by the Centre. Therefore, robust coordination mechanisms should be established so that concurrent powers can be exercised jointly by the two levels of government. Important Dimension of Indian Federalism, the Constitution has a provision for resolving conflicts between the Union and State legislatures through Article 254 which is meant to act as a reconciling medium.

7. **Reviewing the Seventh Schedule:** In light of the criticisms and challenges identified above, it is necessary to conduct a holistic examination of the Seventh Schedule and federal distribution of powers in India as a whole. In this process wide-ranging consultations should take place with provinces, professionals in the field, and other interested parties with view towards creating an adaptable federation which more fairly reflects changing national requirements. The present structure of the schedule should therefore be re-examined with a view to modifying it to meet existing needs and circumstances. This could entail a review of subjects allocated to each legislative arm, dealing with issues relating to residuary powers and making sure that federal system works well.

In conclusion, the Indian judiciary's interpretation of the seventh schedule of the Indian Constitution faces numerous challenges; henceforth, in order to overcome this challenge, there will be need for a comprehensive review on the schedule so as address issues with residuary powers, ensure effective federal system, and match up with an emerging governance structure.

XII. CONCLUSION

The role of the judiciary in preserving federalism and resolving centre-state disputes is crucial in maintaining the delicate balance of powers envisaged by the framers of our Constitution. The judiciary in essence, through extensive examination, plays a vital part in interpretation and application of Seventh Schedule to ensure smooth running of the federal nature.

The Indian judiciary has, particularly through the Supreme Court, played a central role in protecting federalism by resolving disputes between governments at national and sub-national levels. By interpreting this provision, the courts have explained what powers are held by each level of government thereby ensuring that both work within their constitutional roles.

Ironically, judicial activism was a two-edged sword here; while it enlarged judicial review's ambit and defended fundamental rights; there were nevertheless critics who raised concerns about potential centralization tendencies as well as implications for state autonomy. Recently, the judiciary's interpretation with respect to the Seventh Schedule appeared biased in favour of centralization, causing concerns about the distorted federal balance.

However, it is impossible to overestimate the contribution of the judiciary to the resolution of the Centre-State conflicts. The Supreme Court provides a stage for the peaceful settlement of conflicts and verifies the extent of protection by the constitutional principles. In conclusion, the judgement delivered in various progressive and regressive cases helped India develop its federal system, and thereby, understand and strengthen the balance of power between the Centre and the States.

Going forward, it is also important that the judiciary maintains its constant vigil over the federal principles and the nature of disputers between the Centre and the States. Between the complexities of maintaining unity and ensuring diversity, the judiciary is often placed under heavy stress and has to actively parade its loyalty toward the Constitution of India. Building on cooperative federalism, promoting a dialogue between the circle of representatives, and ensuring that the Constitution is kept above

all else critical for maintaining the relevance of the judiciary as the middle ground of India's federalism. Ultimately, it can be concluded that a strong and independent judiciary is the key element of the federal system as instituted in India, as it ensures the principles of federalism are properly maintained in the fabric of democracy.

More so, these precedent-setting cases have helped shape federal law in India by giving direction on how power should be shared between different tiers. Nevertheless, there are problems with the way powers are distributed under our constitution. Some areas that need change include evolution of Seventh Schedule over time; allocation of residuary authority among others like centre-state relationship.

To address these problems, what is required is a future course that will strengthen the federal structure of India. This consists of evaluating the Seventh Schedule, defining clearer principles to identify residuary powers and enhance autonomy as well as financial independence of states. The judiciary should still take proactive steps towards protecting federalism while resolving disputes between the Union Government and State Governments.

In conclusion, in end it all comes down to how successful India's Federal System would be which solely depends upon cooperative attitude and respect for each other between central authority and provinces; however, should any new issues arise then also this agreement should remain binding forevermore otherwise there can be no doubt about it – such acts must not go unpunished; here again judges play an important part. They have to ensure that cooperation among different levels does not diminish because they are the ones who can keep it alive but also, they need to make sure that in such circumstances where there may appear threats against federal structures still they remain strong enough even if some parts might collapse or break off altogether.